

# **EXHIBIT E**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

-against-

05 Cr. 621 (KMK)

ALBERTO WILLIAM VILAR and  
GARY ALAN TANAKA,  
Defendants.

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**DECLARATION**

I, ALBERTO VILAR, hereby declare under penalty of perjury pursuant to the laws of the United States that the foregoing is true and correct:

1. I am a defendant in the above-captioned case and I make this Declaration in support of my motions to suppress evidence seized from the Amerindo Offices at 399 Park Avenue, 22<sup>nd</sup> Floor, New York, New York and any statements I made at or about the time of my arrest..
2. On May 25, 2005 and prior thereto, I was the President and a major shareholder of Amerindo Investment Advisors, Inc., ("Amerindo") which leased offices on the 22<sup>nd</sup> floor of 399 Park Avenue. I believe, but am not certain without looking at the document, that I signed the lease on Amerindo's behalf as its President. For years prior to the search, I worked at the premises on a daily basis.
3. As Amerindo's President and a daily presence on the premises, I expected that my offices would remain free of unlawful official intrusion. In other words, I had an expectation of and a right, I believe, to maintain the privacy of the premises where I worked and of the corporate entities comprising Amerindo.

4. On or about May 25, 2005, I was arrested at Newark Airport. To the best of my recollection, and I believe my recollection is accurate, at no time before my arrest or while I was being transported for processing or thereafter was I ever told or read a list of rights.

Signed this 12th day of September, 2005, in the County of New York, State of New York

  
ALBERTO VILAR